

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 ATAKILTE BERHANE,

13 Defendant.

14 CASE NO. CR20-0033-JCC

ORDER

15 This matter comes before the Court on the Government's motion to strike the trial date
16 and to set a status conference (Dkt. No. 74). Defendant does not oppose the motion. (See Dkt.
17 No. 76 at 1.)

18 On March 17, 2020, Chief Judge Ricardo S. Martinez issued General Order 02-20 to
19 address the impact of COVID-19 on the Western District of Washington's operations. The order
20 continued all criminal trial dates scheduled to occur before June 1, 2020. W.D. Wash., General
21 Order 02-20 § 2 (Mar. 17, 2020). The order further found that:

22 With regard to criminal matters, due to the Court's reduced ability to obtain an
23 adequate spectrum of jurors and the effect of the above public health
24 recommendations on the availability of witnesses, counsel and Court staff to be
25 present in the courtroom, the time period of the continuances implemented by this
26 General Order will be excluded under the Speedy Trial Act, as the Court
specifically finds that the ends of justice served by ordering the continuances
outweigh the best interests of the public and any defendant's right to a speedy trial,
pursuant to 18 U.S.C. § 3161(h)(7)(A). For the same reasons, the Court finds under

1 18 U.S.C. § 3060(C) extraordinary circumstances exist, and justice requires delay
2 of all criminal preliminary hearings during the time period of the continuances
3 implemented by this order.

4 *Id.* at § 4; *see* W.D. Wash., General Order 11-20 (July 30, 2020) (continuing all criminal trial
5 scheduled to occur before September 8, 2020).

6 Having thoroughly considered the Government's motion and the Court's general orders,
7 the Court hereby FINDS as follows:

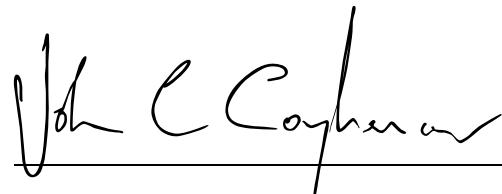
8 1. For the reasons set forth in the Government's motion and General Orders 02-20 and 11-
9 20, the ends of justice served by granting a continuance outweigh the best interests of the
10 public and Defendant in a speedy trial, 18 U.S.C. § 3161(h)(7)(A); and
11 2. Failure to grant a continuance would likely make trial impossible, result in a miscarriage
12 of justice, and deny counsel for Defendant and the Government the reasonable time
13 necessary for effective preparation, taking into account the exercise of due diligence, 18
14 U.S.C. § 3161(h)(7)(B)(i), (B)(iv).

15 For the foregoing reasons, the Court GRANTS the Government's motion (Dkt. No. 74).

16 The Court VACATES the current trial date of August 3, 2020, and ORDERS the parties to attend
17 a status conference on September 8, 2020, at 10:00 a.m., at which the parties must propose a new
18 trial date. The Court further ORDERS that the time between the date of this order and the status
19 conference is excludable time under the Speedy Trial Act, pursuant to 18 U.S.C. §§
3161(h)(7)(A), 3161(h)(7)(B)(ii), and 3161(h)(7)(B)(iv).

20 DATED this 31st day of July 2020.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE